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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,481	10/23/2003	Philip Berardi		1998

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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08/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,481	Applicant(s) BERARDI, PHILIP	
	Examiner Alfred Joseph Wujciak III	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-41, 52-54, 80-84 and 86-89 is/are pending in the application.
- 4a) Of the above claim(s) 66-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-41, 52-54, 80-84 and 86-89 is/are rejected.
- 7) ☒ Claim(s) 85 and 90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the non-final Office Action for the application serial number 10/692,481,
MOUNT FOR STAGE APPARATUS, filed on 10/23/03.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 39-65, drawn to subcombination, classified in class 248, subclass 323.
- II. Claims 66-79, drawn to combination, classified in class 362, subclass 271.

Applicant's election with traverse of group I in the reply filed on 10/31/07 is acknowledged. The traversal is on the ground(s) that both groups (claims 39-79) are identical. This is not found persuasive because group I is subcombination and claiming the connection between the component and the rail while group II is a combination that includes base plate and knob assembly, therefore the groups are not identical.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

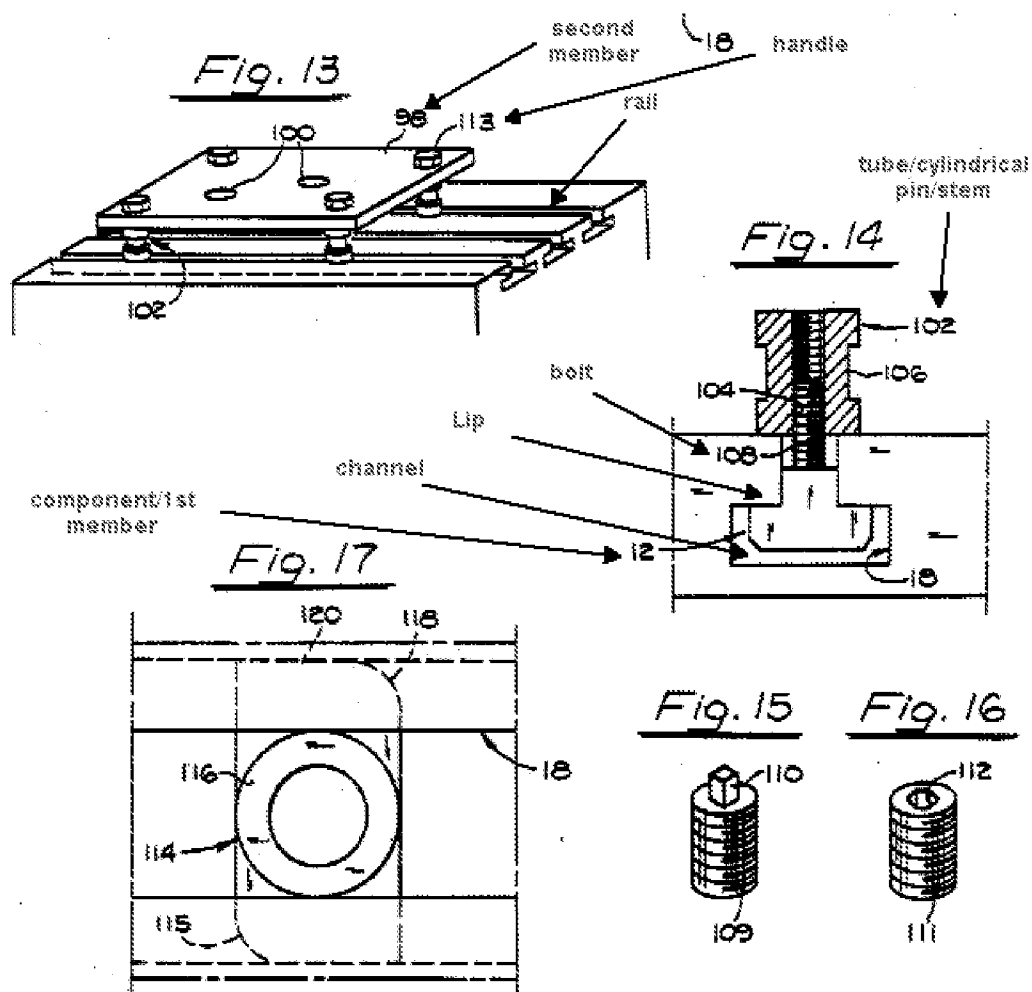
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39-41, 52-54, 80-84 and 86-89 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,199,836 to Gogarty.

Gogarty teaches a system comprising a rail having at least one channel defining an opening extending along a length of the rail and at least one lip extending along the opening. The system includes a component comprising a first member (12) and a second member (98). The first member is moveable from a first position such that the first member clears the lip and is movable into and out of the opening of the channel when moved in a direction that is transverse to the length of the rail to a second position such that the first member is blocked by the lip when inside the channel to prevent the component from being removed from the channel when moved in a direction that is transverse to the length of the rail. The second member comprises a tube (102) and a handle (113) being screwed into the tube. The second member comprises a cylindrical pin (102). The first member comprises a T-shaped head. The component comprises a bolt (108) having a first end and a second end. The first member is connected to the bolt at the first end. The component comprises a cam (figure 17) proximate to the first end and wherein the cam is configured to be moveable in the opening of the channel between a first cam position wherein the first member is insertable into the channel to a second cam position wherein the cam engages the lip and the first member is in the second position. The component comprises a stem (102) configured to connect to the bolt (108) at the second end and a handle (113) connected to the stem. The second member comprises a plate having at least one aperture and a tube (102) permanently attached to the plate. The first member has a length and a width smaller than the length.

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Allowable Subject Matter

Claims 85 and 90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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Applicant's arguments with respect to claims 39-41, 52-54 and 80-90 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument regarding restriction, claims 66-79 contain additional elements such as base plate and knob assembly are combination of claims 39-41, 52-54 and 80-90 which put additional burden on examiner for searching outside of search area to find base plate and knob assembly. The restriction is still proper and final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner
A. Joseph Wujciak III
Art Unit 3632
8/1/08
/A. Joseph Wujciak/